

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Natalie Saltiel  
DOCKET NO.: 03-24898.001-R-1 and 04-22777.001-R-1  
PARCEL NO.: 14-08-412-016

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Natalie Saltiel, the appellant, by Attorney Melissa K. Whitley with the law firm of Marino & Associates in Chicago; and the Cook County Board of Review.

The subject property consists of 7,500 square foot parcel improved with a 94-year old, three-story, masonry, multi-family dwelling with six apartments therein. The improvement contains 12,180 square feet of living area as well as six baths, a full basement, and a two-car garage.

At hearing, the appellant raised two issues: first, that there was unequal treatment in the assessment process of the improvement; and secondly, that the subject as an income-producing property was overvalued as the bases of this appeal.

The appellant's pleadings included data, descriptions, and photographs of three suggested comparables located within a range from 13 to 16 blocks' distance of the subject. These properties are improved with a three-story, masonry, multi-family dwelling. They range: in apartments from three to six; in age from 75 to 87 years; and in size from 7,608 to 10,197 square feet of living area. Amenities include a full basement, while two properties also contain a garage. The improvement assessments range from \$4.50 to \$4.80 per square foot.

Moreover, the appellant's attorney submitted an actual and expense analysis. The attorney developed an income approach to value utilizing the subject properties actual income and expense data reflected on tax returns and rent rolls for tax years 2001

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a no change in the assessment of the property as established by the COOK County Board of Review is warranted. The correct assessed valuation of the property is:

<u>DOCKET #</u>	<u>PIN</u>	<u>LAND</u>	<u>IMPROVEMENT</u>	<u>TOTAL</u>
03-24898.001-R-1	14-08-412-016	\$24,000	\$62,502	\$86,502
04-22777.001-R-1	14-08-412-016	\$24,000	\$62,502	\$86,502

Subject only to the State multiplier as applicable.

PTAB/KPP

through 2003. She stabilized the net operating income at \$54,085 and applied an overall capitalization rate of 12.875%. Thereby, she requested a market value for the subject of \$420,078. On the basis of this comparison, the appellant's attorney requested a total assessment of \$62,213.

The board of review submitted "Board of Review Notes on Appeal" wherein the board's final assessment of \$86,502 was presented reflecting an improvement assessment of \$62,502 or \$5.13 per square foot. The board of review also submitted copies of property characteristic printouts for the subject and four suggested comparables. The properties contain a three-story, masonry, multi-family dwelling with six apartments, therein. They range in age from 90 to 97 years and in size from 9,360 to 11,880 square feet of living area. All properties included a full basement, while three properties contained a multi-car garage. The improvement assessments range from \$5.68 to \$6.47 per square foot. In addition, the board submitted copies of its file from the board of review's level appeal.

At hearing, the board of review's representative indicated that the properties were located from a three to four blocks' distance of the subject. The board of review failed to address the appellant's overvaluation argument. As a result of its analysis, the board requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The PTAB finds that the appellant has not met this burden and that a reduction in the subject's improvement assessment is not warranted.

As to the equity argument, in totality, the parties submitted seven equity comparables. The PTAB finds that the board of review's four comparables are most similar to the subject property. These comparables contain a three-story, masonry, multi-family dwelling with six apartments, therein. They range: in age from 90 to 97 years; in size from 9,360 to 11,880 square feet of living area; and in improvement assessments from \$5.68 to \$6.47 per square foot. In comparison, the subject's improvement assessment stands at \$5.13 per square foot of living area, which is below the range established by the comparables. The PTAB found the remaining properties were accorded less weight due to a disparity in improvement size and/or age.

Further, the PTAB finds the appellant's argument that the subject's assessment is excessive when applying an income approach based on the subject's actual income and expenses unconvincing and not supported by evidence in the record. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

it is the value of the "tract or lot of real property" property which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property, which accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id.

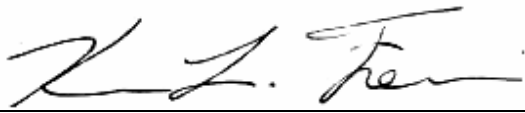
Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate that the subject's actual income and expenses were reflective of the market. To demonstrate or estimate the subject's market value using an income approach, the appellant must establish through the use of market data the following: market rent, vacancy and collection losses, and expenses in order to arrive at a net operating income. Further, the appellant must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellant did not follow this procedure in developing the income approach to value; therefore, the PTAB gives this argument no weight.

On the basis of the evidence submitted, the PTAB finds that the evidence has not demonstrated that the subject's improvement is assessed in excess of that which equity dictates. Therefore, the PTAB finds that a reduction in the subject's assessment is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: January 25, 2008



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.